

THW

Notice of Allowability	Application No.	Applicant(s)	
	10/720,806	DOVNER ET AL.	
	Examiner	Art Unit	
	Victor K. Hwang	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application as filed and amendments filed May 3, 2004.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

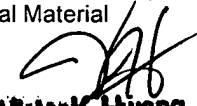
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

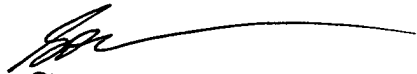
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>Nov. 24, 2003</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20051202</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|--|


Victor K. Hwang
 Patent Examiner


Stephen K. Cronin
 Primary Examiner

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John A. Hamilton on December 2, 2005.

2. The application has been amended as follows:

In the Claims:

- A) Claim 1, line 6, replace the period "." with a semi-colon --;
- B) Claim 1, line 8, before "means" insert --strap—
- C) Claim 3, line 1, before "adjustment" insert --strap--

In the Specification:

- A) Paragraph [0015], line 28, replace "11" with --11A-11B--
- B) Paragraph [0023], line 11, replace "tunes" with --tubes--
- C) Paragraph [0032], line 1, replace "11" with --11A-B--
- D) Paragraph [0032], line 2, replace "94" with --92--
- E) To the end of line 3 of the Abstract, insert:

--A configuration of the exercise system uses a back pad and a padded plate from which extends a guide rod and spring to present an abdominal exercise option to the user.--

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

on sheet 15/19, replace the drawing heading "FIG. 10D" with --FIG. 11A--;

on sheet 16/19, replace the drawing heading "FIG. 11" with --FIG. 11B--; and

in Figs. 1A and 1C, replace the reference character "16" with --15-- .

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

4. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose an abdominal exercise system as claimed wherein a back pad including a padded portion for the lower back of the user is adjustable in distance from a block through which a guide rod extends to thereby adjust the resistance force provided by a spring disposed about the guide rod.

The prior art of *Speyer* (US Pat. 3,228,392), *Lewkovich* (US Pat. 5,050,875), *Jiang* (US Pat. 6,616,582 B1) and *Raskin et al.* (EP 30512 A2) disclose exercise devices comprising plates or padded plates that could contact a user's abdomen with a guide rod extending therefrom through a rigid block with a spring disposed about the guide rod between the plate and the block.

The prior art of *McLaughlin* (US Pat. 4,775,148), *Greither* (WO 87/04356), *Hashimoto* (JP 405023402A) and *Cho* (KR 2000055303A) disclose abdominal exercise devices comprising belts for securing a block and padded plate against the abdomen of a user, but none of the belts include a back pad including a padded portion or a guide rod extending from the rigid plate. A guide rod extending through the block of this second set of prior art would interfere with the

spring tension adjustment or the belt holding the block since these features occupy a central area of the block, an area that the guide rod would need to extend through.

The prior art of *Cayne* (US Pat. 5,882,284) discloses an abdominal exercise system comprising a rigid plate with a padded surface 54; a guide rod 56 extending from the rigid plate through a block 46; a back pad 12 having a padded portion; and a means 42 for adjusting the distance between the back pad 12 and the block 46. An elastic band 58 is secured to the guide rod and the block to provide a resistance to movement of the plate toward the block. A second embodiment comprises a strap for adjusting the distance between the back pad 90 and the abdominal pad 104, but lacks a block, a guide rod extending from the abdominal pad, and a spring disposed around the guide rod. There is no suggestion that the adjustment means 42 could be replaced with a strap adjustment means while maintaining the structure of the block, guide rod and spring.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
December 2, 2005



Stephen K. Cronin
Primary Examiner